

**REMARKS**

The present amendment is responsive to the Office Action issued on March 29, 2004. Claims 1-2, 6-12, 16-22, 26-32 and 36-40 are pending in the application. Claims 1, 11, 21 and 31 have been amended. No new matter has been added by these amendments. Claims 3, 13, 23 and 33 have been canceled. Claims 4-5, 14-15, 24-25 and 34-35 were previously cancelled.

The Examiner rejected claims 1-3, 6-7, 10-13, 16-17, 20-23, 26-27, 30-33, 36-37 and 40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,894,516 to *Brandenburg* ("the '516 patent"). Applicants respectfully traverse the rejection.

The '516 patent discloses a broadcast software distribution system that can transmit data from a software distribution center ("SDC") to a target computer via a satellite link. A user of the target computer initiates a request for a new software package stored by the SDC. (See col. 2, lns. 58-67.) According to the '516 patent, "For each software package, an encryption key is generated and the software package is encrypted using that encryption key." (Col. 2, line 67 to col. 3, line 2.) Then, "When the SCD receives the identification number of the target computer 18, it produces a new key (e.g., an ASCII string) by encrypting the software encryption key for the ordered software package using the identification code of the target computer." (Col. 3, lns. 37-40, emphasis added.)

After the encrypted encryption key is sent to and stored by the target computer, the software ordered by the user is then transmitted to the target computer. "Preferably, popular products are broadcast at regular intervals, while relatively uncommon software products are periodically scheduled at the request of the user." (Col. 3, lns. 63-65.) Then, "the target computer decrypts the encrypted encryption key using its

identification code. Once this is performed, the target computer decrypts the software using the encryption key specific to the software product." (Col. 4, lns. 22-26, emphasis added.) In an alternative, a receiver/installer program on the target computer "itself generates the identification code. The receiver/installer program 14 on the target computer 18 utilizes this identification number to decrypt the encrypted encryption key. The encryption key in turn enables the target computer 8 to decrypt (i.e., unlock) the transmitted software. (Col. 4, lns. 32-37.)

Independent claim 1 has been amended to include "receiving authentication data associated with said one receiving terminal," "authenticating said authentication data," and "said unique terminal identification information being unrelated to said authentication data." Claims 11 and 21 contain equivalent limitations. Claim 31 has been amended to include "said unique terminal identification information being unrelated to authentication data associated with said one receiving terminal." Support for these amendments can be found at pages 18-22 of the present application.

The '516 patent does not teach or suggest all of the limitations of the amended independent claims. The claimed invention requires that the unique terminal identification information be unrelated to the authentication data. In contrast, the '516 patent requires the opposite, namely that the target computer's identification code be used to encrypt the software encryption key. Similarly, the target computer's identification code is also required to decrypt the software encryption key. The '516 patent does not disclose creating or utilizing an encryption key without the identification code. In fact, it would not be possible to encrypt or decrypt the

encryption key of the '516 patent without utilizing the identification code.

Thus, because the '516 patent does not teach or suggest all of the limitations of independent claims 1, 11, 21 and 31, applicants respectfully request that the Examiner withdraw the § 102(e) rejection. Furthermore, claims 2, 6-7, 10, 12, 16-17, 20, 22, 26-27, 30, 32, 36-37 and 40 depend from independent claims 1, 11, 21 and 31, respectively and contain all of the limitations thereof as well as other limitations that are neither disclosed nor suggested by the prior art of record. Accordingly, applicants submit that the subject dependent claims are likewise patentable.

Claims 8-9, 18-19, 28-29 and 38-39 were rejected under 35 U.S.C. § 103(a) as being obvious in view of the '516 patent. These claims depends from independent claims 1, 11, 21 and 31, respectively, and include all the limitations thereof as well as other limitations that are neither disclosed nor suggested by the art of record. Accordingly, applicants submit that these dependent claims are likewise patentable.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/496,769

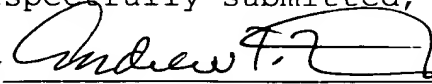
Docket No.: SONYJP 3.0-098

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By



Andrew T. Zidel

Registration No.: 45,256

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

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